

# **SURINAME 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Suriname is a constitutional democracy, with a president elected by the unicameral National Assembly or by the larger United People's Assembly. After generally free and fair legislative elections in May 2010, several political alliances formed a coalition government. The National Assembly elected former military leader Desire Bouterse president in July 2010. Security forces reported to civilian authorities.

The most serious human rights problems were overcrowded detention facilities, lengthy pretrial detention, and governmental corruption.

Other human rights problems included self-censorship by some media organizations and journalists; societal discrimination against women, Maroons, Amerindians, and other minorities; domestic violence against women; trafficking in persons; and child labor in the informal sector.

The government continued to take steps to prosecute abusers in the security forces; however, in certain cases there was a perception of impunity among the public.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings. Authorities investigated all killings by police and security force members and brought charges where appropriate. However, there was generally little information available about investigations into killings by police or other security force members. The Personnel Investigation Department (OPZ), an office within the Police Department, investigated offenses committed by members of the police force; military police and the judge advocate investigated offenses committed by soldiers.

On March 29, police discovered the body of Haitian citizen Celius Molius abandoned on the road. Authorities indicted two police officers for extortion, theft through use of force, abduction, voluntary manslaughter, and murder. Their trial continued at year's end.

On June 12, police shot and killed four unarmed citizens suspected of multiple armed robberies. Investigation into the validity of the use of force continued at year's end.

The trial against a police officer charged with the accidental killing of a bystander during a riot in June 2011 continued at year's end.

On May 11, the trial of former military dictator and current President Desire Bouterse and his 24 codefendants for the 1982 extrajudicial killing of 15 political opponents was put on hold following passage of an amended Amnesty Law granting immunity to the defendants for these killings and other crimes committed during this period. Although the constitution prohibits interference in a trial under way, proceedings remained suspended at year's end. International organizations, including Amnesty International, the Inter-American Commission for Human Rights (IACHR), and the International Commission of Jurists, expressed concern over the passage of the Amnesty Law as it affects justice for human rights abuses committed in the military period of the 1980s.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

While the law prohibits such practices, human rights groups, defense attorneys, and the media continued to report various instances of mistreatment by police to including unnecessary use of gun violence at time of arrest and beatings while in detention, as well as isolated incidents of abuse of prisoners by prison officials.

## **Prison and Detention Center Conditions**

In general prisons were clean and well maintained, and the staff were professional and maintained proper relationships with and oversight of the prisoners. However, conditions were poor in the many small temporary detention facilities, which tended to be unhygienic and overcrowded.

Physical Conditions: The Department of Corrections operated three prisons and one temporary detention facility. Hazard Prison in Nickerie is the smallest, with 91 prisoners and a capacity of 106. Santo Boma Prison in Wanica is the largest,

with 369 prisoners and a capacity of 380. Duisberglaan Prison in Paramaribo has 223 prisoners, with a capacity of 228. Santo Boma was the only prison that held juveniles up to age 18 as well as females. Juvenile females were housed with adult females rather than juvenile males. Females were separated from the male population by a high stone wall; juvenile males were separated from adult males by an open road. Guards were stationed along the road to keep the two populations from mixing. All three prisons were “open systems” in which prisoners were allowed to move around freely within the compound during specified hours. In May 2011 the IACHR rapporteur on prisoner rights visited the prisons and detention centers and expressed concern over hygiene, sanitation, and access to clean drinking water.

Authorities expected prisoners to perform routine maintenance and cleaning. A recently created jobs program permitted inmates from all three prisons to work, inside and outside the prisons, in the agriculture and construction sectors. Inmates could play sports and pursue educational goals at the primary through university level. Prisoners reported that the food was generally good and medical care was sufficient, although on-site facilities were limited.

There was one juvenile detention facility, Opa Doeli, with separate quarters for boys and girls under the age of 18. This facility, located in Paramaribo, provided educational and recreational facilities, and operated at less than maximum capacity.

The Huis van Bewaring facility near Santo Boma Prison is the only temporary detention center run by the Department of Corrections. It had a capacity of 550 and was only five years old. Although originally envisioned as a temporary detention facility for pretrial lock-up, a large portion of its population consisted of convicted prisoners waiting for transfer to one of the three prison facilities. Some convicted prisoners waited months for a cell to open at one of the prisons. The detention center suffered from a shortage of prison staff, which affected its ability to allow prisoners out of the cells for recreation.

Prisoners continued to express concern over conditions in the Santo Boma Prison, where they complained of inadequate food provisions, mistreatment by prison guards, and limited ventilation.

While in general prison facilities were aging but well maintained, temporary detention center facilities had serious deficiencies. The police operated approximately 25 temporary detention facilities attached to different police stations

located throughout the country. The IACHR visit found two of these centers, Huis van Bewaring (which is operated by the Department of Corrections, not the police) and Geyservlijt, to be inadequately staffed, overcrowded, and with poor hygiene conditions. Unlike the prisons, there was no dedicated guard force to watch prisoners in the police detention centers, and officers who also worked in other capacities handled this duty as well. Police officers did not receive specialized training to guard prisoners and exercised little oversight of prison-cell activity. The detention center system lacked a core of standard operating procedures; each compound had its own house rules, which were not routinely defined or conveyed to the guard staff.

Poor ventilation, limited lighting, and extreme heat remained problems in detention centers. The law mandates a maximum number of prisoners at individual prison facilities, which created overcrowding at the temporary detention centers. Food was brought in by outside companies rather than cooked in-house. Detainees and human rights groups alleged that meals were inadequate. Detainees often stayed in these temporary facilities for more than a year before trial. The facilities were unhygienic and plagued with lice and mice. Mattresses were not provided due to the risk of lice. Illness spread quickly through the population, and mobile phones (although banned) were reportedly a problem, as was drug use.

The Welzijns Institute Nickerie, a nongovernmental organization (NGO) operating in the western district of Nickerie, continued to visit and provide counseling for detainees in the Hazard Prison. The institute continued a program to train prison officers to counsel detainees.

Administration: Prison record keeping was adequate. In some cases of traffic or economic violations, nonviolent offenders were given fines instead of prison sentences. Prisoners continued to have reasonable access to visitors and could observe religious practices of their choice. No ombudsman served on behalf of prisoners and detainees; prisoners notify their defense lawyers and government officials of any problems. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. In 2008 prisoners filed a petition with the IACHR claiming the government had denied their requests for higher appeal or early release. The commission deemed the petition admissible in 2010 and was considering it at year's end.

Monitoring: Government officials continued regular monitoring of prison and detention center conditions. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

Improvements: The government started construction of a new prison facility for convicted juveniles in Wanica next to the Santo Boma Prison to separate youth from adults completely.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, due to a shortage of judges, prisoners who appealed their cases often served their full sentences before completion of the lengthy appeals process.

#### **Role of the Police and Security Apparatus**

The armed forces are responsible for national security and border control, with the military police having direct responsibility for immigration control at the country's ports of entry. All elements of the military are under the control of the Ministry of Defense. Civilian police bear primary responsibility for the maintenance of law and order and report to the Ministry of Justice and Police. Police effectiveness was hampered by a lack of equipment, training, and low salaries. Coordination between police and military improved with regular patrols conducted by both groups and members of both forces participated in special security teams.

The OPZ investigates complaints against members of the police force. During the year OPZ received 213 complaints from private citizens against members of the police force. In addition OPZ investigated internally 413 cases involving various forms of misconduct, including 41 for abuse. Authorities imposed disciplinary sanctions in 290 cases, of which 15 included termination of duty. That compares with 2011, when citizens filed 195 complaints against police officers at the OPZ, while 225 internal investigations took place. Authorities took disciplinary measures against 138 individuals, including eight dismissals.

#### **Arrest Procedures and Treatment While in Detention**

Individuals were apprehended openly with warrants based on sufficient evidence and brought before an independent judiciary. The law provides detainees with the right to a prompt judicial determination of the legality of the detention and authorities respected this right in practice. Authorities promptly informed detainees of the charges against them. Police may detain a person suspected of committing a crime for up to 14 days if the sentence for that crime is longer than

four years, and an assistant district attorney or a police inspector may authorize incommunicado detention. The police must bring the accused before a prosecutor to be charged formally within that period. If additional time is needed to investigate the charge, a prosecutor and, later, a judge of instruction may extend the detention period an additional 150 days. There is no bail system. Detainees received prompt access to counsel of their choosing, but the prosecutor may prohibit access if the prosecutor thinks that this could harm the investigation. Detainees were allowed weekly visits from family members.

Pretrial Detention: The average length of pretrial detention was 30 to 45 days for lesser crimes. Detainees were held in detention cells at 26 police stations throughout the country that were at or near capacity. In accordance with the law, the courts freed most detainees who were not tried within the 164-day period. According to human rights monitors, factors such as a shortage of judges, large caseloads, and large numbers of detainees caused trial delays.

Amnesty: In April the National Assembly amended the 1992 Amnesty Law in such a way that halted the trial then under way against President Bouterse and his codefendants for the extrajudicial killing of 15 persons in December 1982. The court judged that this law required review by a constitutional court; however, Suriname never instituted such a court following its 1975 independence. The IACHR, the UN Office of the High Commissioner for Human Rights, Human Rights Watch, Amnesty International, the Latin American members of the Coalition for the International Criminal Court, and other international organizations spoke against the amended Amnesty Law as it affects justice for human rights violations committed in the military period of the 1980s.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary. Perceived judicial independence came into question after passage of the amnesty law, which put a trial already under way on hold indefinitely (see section 1.a.).

The judiciary lacked professional court managers and case management systems to oversee the courts' administrative functions and also lacked adequate physical space--factors that contributed to a significant case backlog. The courts required a minimum of six months to process criminal cases.

#### **Trial Procedures**

The law provides for the right to a fair, public trial in which defendants have the right to counsel, and the judiciary generally enforced this right. All trials are public except for indecency offenses. There is no jury system. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants have the right to be present and to consult an attorney in a timely manner. Defendants and their attorneys have access to government-held evidence. Defendants' attorneys can question witnesses and present witnesses and evidence on the defendant's behalf. The courts assign private sector lawyers to defend indigent detainees. There were court-assigned attorneys for both the civil and penal systems. The law extends the above rights to all citizens. Names of the accused are routinely protected by law and not released to the public or the media prior to conviction.

Military personnel generally are not subject to civilian criminal law and there are parallel military and civilian court systems. Military police investigate crimes committed by members of the armed forces. An officer on the public prosecutor's staff directs military prosecutions before two military judges and one civilian judge. Due to a shortage of judges, military and civilian judges are selected from the same pool by the Court of Justice, which makes assignments to specific cases. A mechanism exists to prevent conflicts of interest. The military courts follow the same rules of procedure as the civil courts. There is no appeal from the military to the civil system.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There are separate procedures for civil processes, and there is a court to consider lawsuits seeking damages for, or cessation of, a human rights violation. Despite the installation of new judges, the backlog of cases continued. Most civil cases were resolved approximately three to four years after the first hearing in court.

### **Regional Human Rights Court Decisions**

The government has not fully complied with a number of decisions by the Inter-American Court of Human Rights. Some progress was made on implementing that court's 2007 ruling that the government must recognize the collective land rights of 12 Saramaccan Maroon tribes, draft legislation that complies with international treaties, establish a development fund of SRD 1.68 million (approximately

\$500,000), and provide them with their own land. By the end of 2010, the government had only paid approximately SRD 560,000 (\$167,000) toward this amount. During the year the Association of Saramaccan Authorities completed a draft map identifying the Saramaccan territories; this awaited consultation and approval of other tribes residing in the territories before submission to the government.

There was no progress in complying with the outstanding measures of the 2005 verdict of the Inter-American Court of Human Rights that held the government accountable for the murder of 39 persons of the Maroon village of Moiwana in 1986. In addition to measures already implemented, the court ordered the government to investigate and identify, prosecute, and punish those responsible and to adopt such measures that would give the villagers title to their traditional territories. These judgments remained outstanding at year's end.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions in practice. The law requires search warrants, which are issued by quasi-judicial officers who supervise criminal investigations.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights in practice.

Freedom of Speech: Although the government announced in 2009 that it would compensate two broadcasting companies for the army's destruction of their radio stations in 1982 under the military dictatorship, the new government did not take any action in this regard.

Violence and Harassment: Local and international members of the press corps reported threats of violence directly linked to their coverage of the amendment to the amnesty law. The president's official spokesperson publicly criticized and intimidated journalists who reported on negative public reaction to the amendment.

Censorship or Content Restrictions: Some media members continued to practice self-censorship in response to pressure applied and intimidation by senior

government officials or community leaders on journalists who published negative stories about the administration. In addition many news outlets were affiliated with particular political parties, which discouraged journalists from reporting on some subjects.

### **Internet Freedom**

Although there were no government restrictions on access to the Internet and the government asserted that it did not monitor e-mail or Internet chat rooms without judicial oversight, journalists, members of the political opposition and their supporters, and other independent entities reported that they perceived government interference or oversight of email and social media accounts. Internet access was common and widely available in the major cities but less common in remote areas of the interior with limited bandwidth and often no access to electricity.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for freedoms of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. No occasion arose during the year for government cooperation with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to any persons of concern. There were no reports of refugees in or transiting the country nor of any internally displaced persons.

## **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

## **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

## **Elections and Political Participation**

Recent Elections: The constitution provides for direct election by secret ballot of the 51-member National Assembly no later than five years after the prior election date. The National Assembly in turn elects the president by a two-thirds majority vote. If the legislature is unable to do so, the constitution provides that the United People's Assembly, composed of members of parliament and elected regional and local officials, shall elect the president. After generally free and fair legislative elections in May 2010, the National Assembly elected Desire Bouterse as president in July of that year.

Participation of Women and Minorities: While women made limited gains in attaining political power, men continued to dominate political life. There were six women among the 51 members of the National Assembly and three women among the 17 ministers in the cabinet. There were five women among the 20 sitting judges. The interim president of the Court of Justice as well as the head clerk, that body's highest administrative position, were women. The speaker and vice speaker of the National Assembly, as well as that body's head clerk, were women.

Several factors traditionally limited the participation of Maroons (descendants of escaped slaves who fled to the interior of the country to avoid recapture) and indigenous Amerindians in the political process, including a population concentrated in remote areas in the interior and removed from the country's centers of political activity. There were 10 Maroons and two Amerindians represented in the National Assembly, and all were part of the governing coalition.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. Long delays often occurred before corruption cases came to trial. The World Bank's worldwide governance statistics continued to indicate corruption was a serious problem. The media frequently reported alleged corrupt practices with regard to issuance of land titles and concessions, misuse of government funds, and other practices. There was a widespread perception that officials used public power for private gain.

Public officials were not subject to financial disclosure laws. Various sections of the Ministry of Justice and Police, including the Fraud Police and the Attorney General's Office, were responsible for investigating and prosecuting government corruption. Some collaboration with civil society took place, but lack of capacity and legislation often hampered the functioning of these agencies.

No law requires public disclosure of information. Although occasionally granted, access remained very limited in certain areas. There is a centralized office for media and information requests under the Office of the President. Gaps in official government statistics and bureaucratic hurdles made obtaining information difficult. There were no administrative or criminal sanctions for nondisclosure and no appeals mechanism.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of independent domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. NGOs reported generally positive relationships with government officials, although occasionally officials were not responsive to their views.

UN and Other International Bodies: The government response to recommendations from the UN Human Rights Council's Universal Periodic Review acknowledged the need for broader societal discussion and stated that national legislation provided sufficient protection for all citizens. The IACHR operated in the country during the year.

Government Human Rights Bodies: A legislative commission on human rights continued operating throughout the year, but resource constraints hampered its

effectiveness. The National Assembly also has a commission dealing with the rights of women and children.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, ethnicity, sexual orientation, and gender identity but does not address discrimination based on disability, language, or social status. Various sectors of the population--such as women, Maroons, Amerindians, persons with HIV/AIDS, and lesbian, gay, bisexual, and transgender (LGBT) persons--suffered forms of discrimination.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and prescribes penalties for rape or forcible sexual assault of between 12 and 15 years' imprisonment. The government enforced the law effectively. Police received and investigated 341 cases of sexual abuse during the year, a decrease from 451 cases in 2011.

Violence against women remained a serious and pervasive problem. The law imposes sentences of four to eight years' imprisonment for domestic violence crimes. The Ministry of Justice and Police registered 1,167 cases of domestic violence during the year, a drop from 1,459 in 2011. Police attributed 14 of the 27 murders committed in 2012 to domestic violence.

The Ministry of Justice and Police's Victim Assistance Bureau provided resources for victims of domestic violence and continued to provide information on domestic violence through public television programs. There were four victims' rooms in police stations in Paramaribo and Nickerie. Authorities trained police units how to deal with survivors and perpetrators of sexual crimes and domestic violence. An NGO operated the only shelter for survivors of domestic violence, which in 2011 provided care for 18 women and their children. Length of stay depended upon the circumstances but averaged three months.

Sexual Harassment: There was no specific legislation on sexual harassment; however, prosecutors cited various penal code articles in filing sexual harassment cases. There were no reported court cases involving sexual harassment in the workplace during the year.

During the year the National Assembly passed a law on stalking, which criminalizes the offense and makes it easier for police to investigate possible cases of stalking without a formal complaint being filed. Pending investigation, police may issue temporary restraining orders on behalf of the attorney general for up to 30 days, limiting the contact between victim and suspect. If found guilty, offenders can receive prison sentences between four and 12 years and fines between SRD 50,000 (\$14,900) and SRD 150,000 (\$44,700) depending on the severity of the case.

Reproductive Rights: Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception was widely available and, according to 2009 UN estimates, 45 percent of women ages 15-49 used modern contraceptive methods. The UN Population Fund estimated the maternal mortality ratio in 2010 at 130 deaths per 100,000 live births. The government commenced a two-year study into the causes of this high maternal mortality rate. Skilled health personnel attended 87 percent of births.

Discrimination: Although the law does not specifically prohibit gender discrimination, it provides for protection of women's rights to equal access to education, employment, and property. Nevertheless, societal pressures and customs, especially in rural areas, inhibited their full exercise of these rights, particularly with respect to marriage and inheritance. Where local customs remain a strong influence on the family unit, girls traditionally marry at or near the legal age of consent, and inheritance rights pass to their husbands.

Men and women generally enjoyed the same legal rights under property law and under the judicial system. In practice, however, where local customs were observed, these rights were somewhat infringed. The Bureau for Women and Children under the Ministry of Justice and Police worked to protect the legal rights of women and children. Women experienced discrimination in access to employment and in rates of pay for the same or substantially similar work. The government did not undertake specific efforts to combat economic discrimination.

The National Women's Movement, the most active women's rights NGO, continued assisting women in launching small home-based businesses, such as sewing and vegetable growing, and provided general legal help. The Women's Business Group advocated for business opportunities for women, while the Women's Parliament Forum advocated for opportunities in the public sector.

Another NGO, Stop Violence against Women, assisted victims of domestic violence, including legal help with dissolving an abusive marriage.

## **Children**

Birth Registration: Citizenship is derived by paternal blood lineage. However, eligibility is automatic through the maternal bloodline in cases where the father is registered as unknown or is the citizen of a country that does not automatically transfer his citizenship to the child.

Child Abuse: Physical and sexual abuse of children continued to be problems. In the first six months of the year, police handled 156 cases of sexual abuse of minors. Observers believed the actual number was significantly higher, as the cases handled were only those directly reported to police. The police Youth Affairs Office conducted three visits per week to different schools in the capital and the surrounding areas on a rotating schedule to provide outreach, raise awareness about child abuse, and solicit and investigate complaints. The Youth Affairs Office continued to raise awareness about sexual abuse, drugs, and alcohol through a weekly television program. The UN Children's Fund continued cooperating with the government in providing training to officials from various ministries dealing with children and children's rights. The government operated a "1-2-3" telephone hotline for children and provided confidential advice and aid to children in need.

Authorities applied various laws to prosecute perpetrators of sexual abuse, and several cases of sexual abuse of minors came to trial. Sentences averaged two to three years in prison. In the capital there were several orphanages and one privately funded shelter that could accept sexually abused children.

Child Marriage: The marriage law sets the age of marital consent at 15 years for girls and 17 years for boys, provided parents of the parties agree to the marriage. Parental permission to marry is required until the age of 21. The law also mandates the presence of a civil registry official to register all marriages. According to the UN Children's Fund, 19 percent of women between the ages of 20 and 24 married before the age of 18.

Sexual Exploitation of Children: There were isolated incidents of commercial sexual exploitation of minors during the year. Although the legal age of sexual consent is 14, prohibitions against adults engaging in sexual activities with children under 14 remained difficult to enforce, particularly in rural areas outside of Paramaribo. The criminal law penalizes child prostitution and provides

sanctions of up to six years' imprisonment and a fine of SRD 100,000 (\$29,800) for pimping. The law also prohibits child pornography, which has a maximum penalty of six years' imprisonment and maximum fine of SRD 50,000 (\$14,900).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction.

### **Anti-Semitism**

There was a declared Jewish community of approximately 150 persons. There were no reports of anti-Semitic acts or discrimination.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

There are no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of state services. Persons with disabilities suffered from discrimination when applying for jobs and services. Some training programs were provided for persons with visual or other disabilities. There are no laws or programs to ensure that persons with disabilities have access to buildings. A judge may rule that a person with a cognitive disability be denied the right to vote, take part in business transactions, or sign legal agreements. Persons with disabilities had equal access to information and communications. Primary education was available for persons with disabilities, and depending on the disability, secondary and higher education could be available. There were no reports of abuse in educational facilities for persons with disabilities. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities, but it made limited progress during the year.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination on the basis of race or ethnicity, and no such discrimination complaints were filed during the year. However, Maroons, who represent an estimated 15 percent of the population, generally continued to be disadvantaged in the areas of education, employment, and government services.

Most Maroons lived in the interior where limited infrastructure reduced their access to educational and professional opportunities and health and social services. Some forms of discrimination that affected indigenous Amerindians also extended to Maroons.

### **Indigenous People**

The law affords no special protection for, or recognition of, indigenous people. Most Amerindians (approximately 2 percent of the population) live in the remote and undeveloped interior of the country, where government services are largely unavailable. Geographic isolation limited opportunity to participate in national and regional policymaking, including decisions affecting interior lands, cultures, traditions, and natural resources. The IACHR identified the Maroons as a tribal people and thus entitled to the same rights as the indigenous Amerindian communities.

Because Amerindian and Maroon lands were not effectively demarcated or policed, populations continued to face problems with illegal and uncontrolled logging and mining. No laws grant indigenous people rights to share in the revenues from the exploitation of resources on their traditional lands. Organizations representing Maroon and Amerindian communities complained that small-scale mining operations, mainly by illegal gold miners, some of whom were themselves indigenous or supported by indigenous groups, dug trenches that cut residents off from their agricultural land and threatened to drive them away from their traditional settlements. Mercury runoff from these operations also contaminated and threatened traditional food sources.

Many Maroon and Amerindian groups also complained about the government granting land within their traditional territories to third parties, who sometimes prevented the villages from engaging in their traditional activities on those lands. Indigenous groups, with the assistance of the Amazon Conservation Team, mapped their lands and presented proposed demarcation charts to the government in 2000 and to the Ministry of Physical Planning, Land, and Forestry Management in both 2006 and 2009. Maroon and Amerindian groups continued to cooperate with each other to exercise their rights more effectively. The Moiwana Human Rights Association, the Association of Indigenous Village Leaders (an umbrella group that represents the many smaller associations of indigenous persons), and other NGOs continued to promote the rights of indigenous people.

In 2007 the Association of Indigenous Village Heads filed a petition with the IACHR on behalf of the Kalina and Lokono Peoples of the Lower Marowijne River to demand legal recognition of their traditional lands. The petitioners stated that the government violated their rights by continuing to issue land, grant concessions, and establish nature reserves on these lands without recognizing their rights. The case continued at year's end.

In its September 2011 response to the recommendations from the UN Human Rights Council's Universal Periodic Review, the government rejected several recommendations concerning the indigenous and tribal peoples, arguing that it was conducting its own process of consultations with the Maroon and indigenous people.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No specific laws protect LGBT persons from discrimination or grant them any specific rights. The government declined to consider specific legislation pertaining to LGBT persons, as it considers existing legislation sufficient. LGBT groups could associate freely and advocate within society under the same laws that pertain to other groups. There were reports of employment discrimination based on sexual orientation, particularly in cases concerning the granting of a job. There were no reports of official discrimination based on sexual orientation or gender identity in housing, access to education, or health care. Stigma could be a contributing factor in LGBT persons not reporting incidents of abuse.

### **Other Societal Violence or Discrimination**

Popular resentment in gold-mining areas, primarily directed towards Brazilian and Chinese migrants, continued to be a problem. After private security guards shot and killed a person and wounded four others in October 2011 in Maripaston, there was widespread looting of local shops (owned by Chinese immigrants), some of which were set on fire, and the destruction of a large amount of valuable heavy equipment. Isolated incidents of this type continued between individuals during the year.

Persons with HIV/AIDS continued to experience societal discrimination in employment and medical services. The police and military conduct mandatory HIV testing for new recruits. Medical treatment is free for HIV/AIDS patients

who are covered under government insurance, but private insurers do not cover such treatment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, protects the right of workers to form and join unions of their choice without previous authorization or excessive requirements. The law provides for the right to strike, and prohibits antiunion discrimination. Workers fired for union activity are reinstated after negotiation. The law protects collective bargaining and prohibits employer interference in union activities. There are gaps in the legislation, particularly pertaining to contractors. Companies have exploited these gaps, hiring more contract employees than direct-hire staff. The government is evaluating labor legislation in order to revise it to include all employee types. Undocumented foreign workers are not included in the labor laws; the few reported cases involving undocumented workers have fallen under the Foreign Alien Act. The government enforced laws related to freedom of association and the right to collective bargaining. There were no reports that procedures were subject to lengthy delays or appeals.

Workers formed and joined unions freely and exercised their right to strike. Some trade union leaders were represented at high levels in the coalition government. Another trade union was linked to the Labor Party, currently in the opposition. There was occasional government interference in labor relations, especially in parastatal companies. The government interfered in the outcome reached in wage negotiations between management and workers at the National Water Company. The government did not concur with the agreed-upon wage increase and questioned the independence of the National Mediation Council.

There were isolated cases where employers refused to bargain or recognize collective bargaining rights, but the unions usually pressured the employers to renegotiate. In a 2011 case, the State Energy Company suspended a group of employees who were conducting an “unauthorized” strike but later resolved the case through intervention of the government-established Mediation Commission for Suriname. The employees were reinstated during the year.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government made no arrests during the year for forced labor. Labor inspectors received training on looking for forced labor, but data on inspection efforts specific to forced labor were unavailable.

Although there were no official reports that such practices occurred, there continued to be unconfirmed rumors that some foreign workers were subjected to forced labor, particularly in the Chinese community, including in the service and construction sectors. The police reported that they did not have clear evidence of forced labor and had little ability to investigate rumors due to their limited resources and the closed nature of the Chinese community.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for most types of employment at 14 and restricts working hours for minors to day shifts, but does not limit the number of hours minors can work. The law permits children younger than 14 to work only in a family-owned business, small-scale agriculture, and special vocational work. Children younger than 18 are prohibited from doing hazardous work, which is defined as work dangerous to their life, health, and decency. Children under the age of 15 are not permitted to work on boats. Parents who permit their children to work in violation of labor laws may be prosecuted. Employers are required to maintain a Register of Young Persons that includes each employee's information.

The Ministry of Labor and the police enforced the law sporadically. The ministry's Department of Labor Inspection was responsible for enforcing child labor laws, but enforcement and resources remained inadequate. Employing a child under 14 is punishable by fines and up to 12 months' imprisonment. The government's commission on eliminating child labor, consisting of 11 organizations (10 government institutions and one NGO), conducted awareness activities during the year.

Child labor remained a problem in the informal sector, especially in the western districts of Nickerie, Saramacca, and Marowijne. Recent data were not available on the number of children in child labor. The government lacked resources to carry out a survey quantifying child labor. Historically, child labor has occurred in agriculture, logging, fisheries, and in the construction sector, although there were

no documented cases during the year. Isolated cases of child labor also occurred in the informal gold-mining sector in the interior, in the urban informal sector, and in prostitution (see also section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

There is no legislation providing for a minimum wage. The lowest wage for civil servants was approximately SRD 600 (\$180) per month, including a cost of living allowance. Government employees constituted approximately 61 percent of the estimated 125,000-member formal sector workforce and frequently supplemented their salaries with second or third jobs, often in the informal sector.

Work in excess of 45 hours per week on a regular basis requires special government permission, which was granted routinely. Such overtime work earned premium pay. The law prohibits excessive overtime, requires a 24-hour rest period per week, and stipulates paid annual holidays. The government sets occupational health and safety standards.

A 10- to-12-member inspectorate in the Occupational Health and Safety Division of the Ministry of Labor is responsible for enforcing occupational safety and health regulations, but it did not make regular inspections. The ministry's Department of Labor Inspection, with approximately 80 inspectors, is responsible for enforcing labor laws, but enforcement was inadequate. Penalties for violating the labor laws vary from fines to suspension of licenses depending on the severity of the case. According to the Ministry of Labor the few violations encountered each year were usually in smaller businesses and none were severe enough to warrant a license suspension. None were found in the unionized companies. Inspectors visited private sector companies throughout the country, but no data were available regarding the number of inspections performed during the year.

A significant number of persons worked in the informal economy where there was limited enforcement of labor laws. Workers in the informal sector, particularly in the small scale mining sector, were exposed to dangerous conditions and hazardous chemicals such as mercury.

No data were available on workplace accidents. However, the International Labor Organization noted the increasing number of serious or fatal occupational

accidents as well as steps that labor inspectors have taken to begin occupational safety and health training of contractors in mines, construction, and public service.